



For internal Use only	ID:	Rep No:	

## Draft Local Plan

# RESPONSE FORM

Responses are encouraged via the council's online consultation system available on the website, see <http://tendring-consult.objective.co.uk/portal> However, this form can be returned electronically to [planning.policy@tendringdc.gov.uk](mailto:planning.policy@tendringdc.gov.uk) or in hard copy if necessary to:

Planning Policy, Tendring District Council, Thorpe Road, Weeley, Essex, CO16 9AJ  
The consultation runs from 9am Friday, 16th June to 5pm on Friday, 28th July 2017

This form has two parts:

Part A - Personal Details and Part B - Your comments

## PART A

### 1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="R"/>
Last Name	<input type="text" value="Brooks"/>
Organisation <i>(Where relevant)</i>	<input type="text"/>
Address Line 1	<input type="text" value="c/o agent"/>
Address Line 2	<input type="text"/>
Address Line 3	<input type="text"/>
Post Code	<input type="text"/>
E-mail Address	<input type="text"/>
Telephone Number	<input type="text"/>

### 2. Agent's Details (If applicable)

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Peter"/>
Last Name	<input type="text" value="Le Grys"/>
Organisation	<input type="text" value="Stanfords"/>
Address Line 1	<input type="text" value="Livestock Market"/>
Address Line 2	<input type="text" value="Wyncolls Road"/>
Address Line 3	<input type="text" value="Colchester"/>
Post Code	<input type="text" value="CO4 9HU"/>
E-mail Address	<input type="text"/>
Telephone Number	<input type="text"/>

# PART B

# REPRESENTATION FORM

**Please Note:** If your representation relates to Section One of the North Essex Strategic Plan / Garden Communities you only need to respond to one of the Local Authorities. All representations received by Braintree, Colchester and Tendring relating to Section One of the Plan(s) will be submitted together.

You do not need to return this form if you have completed a response using any of the Council's online systems for this consultation. Duplicates will not be considered

**Please specify which section of the Publication Draft Local Plan your comments relate to by choosing one of the following:**

Section 1     Section 2 Colchester     Section 2 Tendring     Section 2 Braintree

**Which part of the section are you responding to?**

e.g. Paragraph/Policy/Map/Other

**Do you consider the Local Plan is Legally compliant?**

Yes     No

**Does it comply with the Duty to Co-operate?**

Yes     No

**Do you consider the Local Plan is Sound?**

Yes     No

**If you do not consider the Local Plan is sound, please specify on what grounds:**

Positively prepared     Justified     Effective     Consistent with National Policy

**Enter your full representation here:**

*Continue onto next page*

**If your representation is more than 100 words, please provide a brief summary here:**

**Please specify the changes needed to be made to make the Plan sound / legally compliant**

Amend settlement boundary

**Do you wish to participate at the oral part of the examination?**

Yes  No

**If Yes - you wish to participate at the oral part of the examination, please outline why you consider this to be necessary**

To fully examine the approach adopted by the Council towards development in Mistley & Lawford

**Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.**

**Did you raise the matter that is the subject of your representation with the LPA earlier in the process of the preparation of the Local Plan**

Yes  No

**If yes which stage**

Issues and Options  Preferred Options

**Do you wish to be notified?**

When the document is submitted for independent examination?

When the Inspectors Report is published?

When document is adopted?

**Braintree & Tendring: Return by 5pm 28th July 2017**

(responses to section 2 Braintree and Tendring will not be accepted after this date. After this date responses to Section 1 should be sent to Colchester Borough Council)

**Colchester: Return by 5pm 11th August 2017**

## **Land west Of Trinity Road, Mistley**

The objector's site is privately owned scrub land that serves no value or useful purpose for local residents other than providing a view from a limited number of viewpoints. The land can be secured with no means of access or benefit to the community. This proposal on behalf of Mr Brooks involves 8.82 hectares (21.8 acres) of scrub land which lies between Long Road and Trinity Road. The scheme proposes the development of 2.4 hectares (5.9 acres) for residential purposes with a variety of dwelling types, including 2 bed starter houses and 3 & 4 bed family dwellings. The scheme intends to provide for 40% of the dwellings units for affordable housing purposes available for all sections of the local community. The concurrent scheme for change of use of the adjoining land is for the provision of additional 1.6 hectares (4 acres) of allotments which together with the existing allotments in Trinity Road (0.74 hectares/ 1.82 acres) would be transferred to the leasehold ownership of Mistley Parish Council for a peppercorn rent. The remainder of the site (4.82 hectares / 11.9 acres) would be provided as public open space. A further section of land in the ownership of Affinity Water would also be combined for such purposes.

The site has been the subject of a considerable number of representations and proposals put forward over the past 30 years as part of the Council's Local Plan and Development Plan process. Prior to the adoption of the current District Local Plan in 2007, the application site and adjoining land was shown in the earlier adopted Development Plan to be allocated for public open space purposes. In the absence of any scheme by the Council to acquire this land for such purposes, the site was instead shown within an area designated as a 'Local Green Gap'. The Planning Inspector's who undertook the examination of the Local Plan concluded in his report at paragraph 0.31 that :-

'The reference above to policy EN2 (Local Green Gaps) is included only after much reflection and soul-searching. This restrictive policy has been criticised by several objectors both in principle, and in its application to particular areas of undeveloped land. Nevertheless, for reasons I give elsewhere (chapter 6) I have decided to retain it in the Plan, albeit in a modified form.'

The adopted Local Plan therefore shows the site as being outside the settlement boundary for Mistley / Lawford and within an area designated as a Local Green Gap subject to policy EN2 of the Plan. The Plan considers that the primary purpose and function of these gaps is to maintain separation between the main urban areas of the District. It is suggested that by conserving the countryside between residential settlements, local green gap policies will preserve the open character of these important breaks between settlements. This approach is stated as being able to maintain the individual character and landscape setting of towns, villages and neighbourhoods. It is indicated that the Council will encourage the enhancement and improvement of public rights of way and existing leisure and recreational facilities, although it is not explained how this will be achieved. Policy EN2 therefore states:-

During the Plan period, land within Local Green Gaps, as defined on the Proposals Map, will be kept open, and essentially free of development. This is to prevent the coalescence of settlements, and to protect their rural settings. Minor development proposals may be permitted if they do no harm, individually or collectively, to the purposes of a Local Green Gap or to its open character. These may include the improvement of existing leisure and recreational facilities, and development for agricultural purposes. In Local Green Gaps, where resources and opportunities permit the Council will encourage the improvement of public rights of way.

In respect of the Lawford / Manningtree / Mistley area, the gap has been stated as being necessary to

- Safeguard the open character of the important breaks between these settlements and between separate neighbourhoods;
- Preserve the attractive views from these settlements towards the Stour Estuary and Dedham Vale;
- Maintain the individual character of these settlements and their separate neighbourhoods;
- Prevent incremental coalescence between these settlements; and
- Prevent further ribbon development west of Lawford.

The scheme submitted on behalf of Mr Brooks is therefore proposing that an area of public open space amounting to 4.82 hectares (11.91 acres) be transferred to the District Council (or Parish Council if desired). How this open space would be laid out or used would be entirely up to the parish Council i.e. whether play equipment is installed on a formal playground or the entire site is used for informal recreation. The cost of acquiring this land by the Council is indicated (at 2008 prices) as being £195,000.

With regard to the proposal on behalf of Veolia Water East Ltd, the owner is prepared to convey at no cost an area of open space extending to 0.55 hectares (1.35 acres) to the District or Parish Council. The cost of acquiring this land would be based on the above figures, be £22,200 at 2008 prices.

A Landscape Impact Assessment has also been prepared for the site which takes into account the Landscape Character Assessments undertaken by Land Use Consultants in 2001 and the subsequent Landscape Character Assessment of the Essex Coast 2005, including the detailed maps attached to the Tendring coastline section. These reports acknowledge that the area which comprises the Stour Valley form a setting to one of the most important wildlife estuaries in the country, while the slopes form the setting for and views to and from the Suffolk Coasts and heaths AONB. The landscape is described generally as one of leafy lanes and steep wooded sides. Built development in the ports of Manningtree and Mistley has a distinctive character featuring large red brick buildings, lime plastered and colour rendered facades with steeply pitched clay tiled roofs.

The site and related land is steeply sloping and undulating although fails to contain any trees of note. The geology comprises London Clay with occasional claygate and head deposits. The application site area is not characterised by any distinctive field pattern or features, but represents a significant area of open space upon which other development has intruded upon. It is of scrub land which has become unkempt through any direct land management activities for the past 20 years. Unofficial trespass by local residents using the land as informal open space has kept down some of the vegetation, but the land has overall an air of neglect.

The view from Long Road to the north represents the most interesting aspect. Views of the River Stour are just available from one particular spot. Otherwise, the longer distance views towards Colchester Road, south towards Long Road and east towards Trinity Road draw attention only to suburban housing that contribute little to the overall character of the area. The 2001 report indicates that the gap between Manningtree and Mistley should be preserved, but fails to acknowledge how this can be achieved in terms of landscape maintenance and the threat of further development proposals in the future.

Otherwise, the principal components of the 2001 LCA have been addressed; the retention of the key view from Long Road towards the north, the avoidance of mass produced housing,

designs taking precedent from existing forms with a variation of building heights and the long term future of the open gap being secured.

In conclusion, it is considered that the value of the site at present is limited to the few local dog walkers who trespass the site. It is rather overshadowed by neighbouring housing and the gap between Lawford and Mistley is rather overstated. Considerable opportunities exist for mitigation of the neglected and damaged landscape, with the establishment of new field boundaries, enhancement of the footpath routes and the long term restoration of the pond, ensuring that the termination of the built environment for the all three parishes is handled in an appropriate and respectful manner.

This site is considered to be far more suitable for residential development than the suggested allocation sites and those recently granted permission by the Council in the Lawford, Manningtree, Mistley areas, particularly the housing to the south of Long Road which bears no relationship to the pattern or character of housing within the locality.

It is considered that the proposal will meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Furthermore, the allocation of this site will accord with the core planning principles as set out within paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal will not only be sustainable, it is also achievable and deliverable as required by paragraphs 47 and 49 of the NPPF.